

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Pennsylvania

Dominion Retail, Inc.

Plaintiff

v.

Everclear of Ohio Ltd.

Defendant

Civil Action No.

10-0260

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Everclear of Ohio Ltd.
c/o David L. Herbert
4480 Nantucket Drive
Austintown, OH 44515

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Steven F. Baicker-McKee, Esquire
Christopher M. Buell, Esquire
Babst, Calland, Clements & Zomnir, P.C.
Two Gateway Center, 8th Floor
Pittsburgh, PA 15222
(412) 394-5400

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: FEB 24 2010

R.V. Barth, Jr.

Signature of Clerk or Deputy Clerk

FEB 26 2010

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PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* Everclear of Ohio Ltd.
was received by me on *(date)* 4/8/10.

☐ I personally served the summons on the individual at *(place)* _____
on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☒ I served the summons on *(name of individual)* Ahsen Yelkin President, who is
designated by law to accept service of process on behalf of *(name of organization)* Everclear of Ohio Ltd.
3700 Oakwood Ave, Austintown, OH on *(date)* 4/9/10 (2:41PM); or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: 4/8/10

Neal E. Zoldan
Server's signature
Neal E. Zoldan Process Server
Printed name and title

P.O. Box 3617, Yo, Ohio 44513
Server's address

Additional information regarding attempted service, etc: